

Dangerous Rail Shipments Burden Innocent Bystander

"THE MODERN industrial economy is dependent upon hazardous materials that are shipped throughout the country," said the task force report on rail safety to the Secretary of Transportation. Public interest was focused on the problem by the Army's abortive plan to ship outdated war gas across the country for dumping in the oceans.

The chaotic state of the regulations supposed to cover these risks is shown by our ignorance of the actual number and cost of rail accidents involving shipments of explosives, solvents and toxic chemicals, for we have no central reporting system. In hearings before a House subcommittee, Rep. Jack Brooks (D-Tex.) remarked that "in the last five years, over 50 cities and towns have had to be evacuated as a result of accidents involving hazardous materials." And William C. Jennings, director of the Office of Hazardous Materials in the Department of Transportation, guesstimated the annual cost of such accidents to be at least \$500 million.

IT IS NOT always obvious in advance that a shipment containing different, incompatible materials poses an extraordinary hazard. According to Rep. John C. Culver (D-Iowa), when a tank car of vinyl chloride burned at Glendora, Miss., "no one even suspected that there was a danger of phosgene gas until a chemistry professor at the University of Mississippi coincidentally heard about the accident."

A patchwork of regulations covers the packaging and labeling of many hazardous materials. More serious problems relate to the deteriorated and uneven quality of roadbeds, rolling stock and other equipment and ever-increasing cross traffic at unprotected grade crossings. The need for uniform federal regulations is beyond dispute if we are to maintain the present efficient system of pooling boxcars, and Congress will surely soon empower the Department of Transportation to set standards for every aspect of railroad safety.

The problem will then be how well the law is implemented, especially if the federal system (as the administration bill would have it) pre-empts local regulations which may be more stringent. Apart from the historic, and sometimes constructive, tradition of cooperation between a regulatory agency and its licensees, Congress has rarely been lavish in showering such agencies with the resources needed to do their jobs rigorously, especially when this might conflict with the economic interests of local constituents.

NONE OF the technical discussions on these bills has, moreover, touched on the fundamental point that the very occurrence of accidents shows how a hazardous shipment exploits the environment in a broad swath along railroad rights-of-way. The private citizen, an innocent bystander, unknowingly and unwillingly shares the risks of such shipments.

The present law governing civil damages protects the carrier, which has no liability except for provable negligence. A simple way to assure effective self-regulation by the carriers would be to make them pay the costs of accidents involving materials identified as hazardous, on the assumption that the accident itself was proof of the inadequacy of their precautions.

A fully implemented safety system will increase the cost of transportation. But it is better to have it appear baldly on freight bills than scattered as unrecoverable damages inflicted on the lives and property of citizens.

© 1969, The Washington Post Co.